

Equal Opportunities and Diversity Policy

T.E.A.M. Education Trust



Approved by:	Trust Board	Date: 1 November 2022
Last reviewed on:	17.10.22	
Next review due by:	1.7.24 (2 year review)	
List of Associated Policies:	TEAM Complaints Policy TEAM Staff Appraisal Policy TEAM Staff Capability Policy TEAM Staff Code of Conduct TEAM Staff Disciplinary Policy TEAM Staff Grievance Policy TEAM Staff Pay Policy TEAM Teaching Staff NQT Policy TEAM Wellbeing Policy TEAM Whistle Blowing Policy GDPR Documents 1-9	

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Version History

Version	Date	Detail	Author
1	01.7.20	Original Policy	
2	11.5.21	Policy Review undertaken by Flint Bishop, Solicitors – no further amendments/adjustment required	SBA/ABI
3	15.6.22	Policy Review by Flint Bishop, Solicitors suggested minor amendments (approved by CEO). Point 4, para 1: clarification of the term discrimination.	ABI (Flint Bishop)
4.	17.10.22	Point 1, addition of recognition of Equality Act requirement to consult with others (previously implicit, not explicit within this policy)	ABI/NRE

1. Scope and Purpose

The Trust is committed to promoting and achieving equality of opportunity for all students, parents, staff, governors, visitors and job applicants.

The Trust aims to create a working environment in which all individuals are able to make best use of their skills, free from discrimination or harassment, and in which all decisions are based on merit.

The Trust does not discriminate against staff on the basis of their gender, sexual orientation, marital or civil partner status, pregnancy or maternity, gender reassignment, race, colour, nationality, ethnic or national origin, religion or belief, disability or age (the protected characteristics).

This policy applies to all aspects of the Trust's relationship with Staff and to relations between Staff members at all levels. This includes:

- job advertisements;
- recruitment and selection;
- training and development;
- opportunities for promotion;
- conditions of service;
- pay and benefits;
- conduct at work;
- capability, disciplinary and grievance procedures; and
- termination of employment.

The Trust will take appropriate steps to accommodate the requirements of different religions, cultures, and domestic responsibilities. In accordance with the Equality Act, we will consult with those affected by inequality in the decisions made by the Trust and those in our school community to ensure that our approach directly supports their requirements.

2. Legislation and Guidance

We will meet our statutory obligations under relevant legislation including the Equality Act 2010, which prohibits discrimination, harassment and victimisation in employment. This policy conforms to the Equality Act 2010 and is monitored to ensure compliance with the requirements of the relevant legislation in force from time to time. The principles of non-discrimination and equality of opportunity also apply to the way in which staff treat students, parents, visitors, suppliers and former staff members.

This document is also based on the Department for Education (DfE) advice for schools on the Equality Act, the technical guidance for schools from the Equality and Human Rights Commission and guidance from the Government Equalities Office on meeting the specific duties that support the public sector equality duty.

3. Roles and Responsibilities

Every member of staff is required to support this policy to ensure that discrimination does not occur in the workplace. All staff have a duty to act in accordance with this policy and treat colleagues with dignity at all times, and not discriminate against or harass other members of staff, regardless of their status.

This policy does not form part of any employee's terms and conditions of employment and is not intended to have contractual effect. It is provided for guidance to all members of staff at the Trust who are required to familiarise themselves, and comply, with its contents. The Trust reserves the right to amend this policy at any time.

This Policy applies to the Trust's employees, whether permanent, temporary, casual, part-time or on fixed-term contracts, to job applicants and to individuals such as agency staff and consultants and volunteers who are not employees but who work at the TEAM Education Trust (collectively referred to as "Staff" in this policy).

All Staff must set an appropriate standard of behaviour, lead by example and ensure that those they manage adhere to this policy and promote the Trust's aims and objectives with regard to equal opportunities and diversity. Staff will be given appropriate training on equal opportunities awareness and equal opportunities recruitment and selection best practice.

Any questions about the content or application of this policy should be referred to Chief Financial Officer in the first instance.

4. Forms of Discrimination

Disability discrimination includes direct and indirect discrimination, any unjustified less favourable treatment because of the effects of a disability, and failure to make reasonable adjustments to alleviate disadvantages caused by a disability.

Discrimination by or against a member of Staff is generally prohibited unless there is a specific legal exemption. Discrimination may be direct or indirect and it may occur intentionally or unintentionally.

Direct discrimination occurs where someone is treated less favourably because of one or more of the protected characteristics set out above. For example, rejecting an applicant on the grounds of their gender or race because they would not "fit in" would be direct discrimination.

Indirect discrimination occurs where someone is disadvantaged by an unjustified provision, criterion or practice that also puts other people with the same protected characteristic at a particular disadvantage. For example, a requirement to work full time potentially puts women at a particular disadvantage because they generally have greater childcare commitments than men. Such a requirement will need to be objectively justified.

Harassment related to any of the protected characteristics is prohibited. Harassment is unwanted conduct that has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

Victimisation is also prohibited. This is less favourable treatment of someone who has complained or given information about discrimination or harassment, or supported someone else's complaint.

5. Recruitment and Selection

The Trust aims to ensure that no job applicant suffers discrimination because of any of the protected characteristics above. The Trust's recruitment procedures are reviewed regularly to ensure that individuals are treated on the basis of their relevant merits and abilities. Job selection criteria are regularly reviewed to ensure that they are relevant to the job and are not disproportionate.

Job advertisements will avoid using wording that may discourage particular groups from applying. A short policy statement on equal opportunities and a copy of this policy shall be sent on request to those who enquire about vacancies.

The Trust will take steps to ensure that its vacancies are advertised to a diverse labour market and, where relevant, to particular groups that have been identified as disadvantaged or underrepresented in the Trust school.

Applicants should not be asked about health or disability before a job offer is made. There are limited exceptions which the Trust School may use, for example:

- Questions necessary to establish if an applicant can perform an intrinsic part of the job (subject to any reasonable adjustments);
- Questions to establish if an applicant is fit to attend an assessment or any reasonable adjustments that may be needed at interview or assessment;
- Positive action to recruit disabled persons;
- Equal opportunities monitoring (which will not form part of the decision-making process).

Applicants will not be asked about past or current pregnancy or future intentions related to pregnancy. Applicants will not be asked about matters concerning age, race, religion or belief, sexual orientation, or gender reassignment without first considering whether such matters are relevant and may lawfully be taken into account.

The Trust is required by law to ensure that all members of Staff are entitled to work in the UK. Assumptions about immigration status will not be made based on appearance or apparent nationality. All prospective members of Staff, regardless of nationality, must be able to produce original documents (such as a passport) before employment starts, to satisfy current immigration legislation. A list of acceptable documents is available, if you contact the COO or CFO of the TEAM Education Trust.

To ensure that this policy is operating effectively, and to identify groups that may be underrepresented or disadvantaged in the Schools, the Trust will monitor applicants' ethnic group, gender, disability, sexual orientation, religion and age as part of the recruitment procedure. Provision of this information is voluntary and it will not adversely affect an individual's chances of recruitment or any other decision related to their employment. The information will be removed from applications before shortlisting and kept in an anonymised format solely for the purposes stated in this policy. Analysing this data helps us to take appropriate steps to avoid discrimination and improve equality and diversity.

6. Recruitment of Ex-Offenders

The Trust is an organisation that uses the Disclosure and Barring Service (DBS) to assess candidates' suitability for positions of trust working in an environment with children and young people. The Trust fully complies with the DBS Code of Practice and undertakes to treat all candidates fairly.

The Trust undertakes not to discriminate unlawfully against any candidate who is required to provide information (a check) through this process. Having a criminal record will not necessarily prevent a candidate from working with the Trust. Whether or not it does will depend on the nature of the position and the circumstances and background of the offences.

The Trust's policy on the recruitment of ex-offenders will be made available to all candidates at the outset of the recruitment process. The School will ensure that it makes any candidate who is subject to a check aware of the DBS Code of Practice and will provide a copy of the Code on request.

As a check is part of the Trust's recruitment process, the Trust encourages all candidates called to interview to provide details of any criminal record (except cautions, convictions,

reprimands or warnings which are “protected” (as defined in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013) at an early stage of the application process. The Trust requests that this information is sent under separate, confidential, cover to a designated person within the Trust, who may vary depending on the nature of the post being recruited. The Trust guarantees that only those who need to see this information as part of the recruitment process will see it.

The Trust will ensure that it discusses with the candidate the relevance of any offence to the job in question. A candidate’s failure to reveal information directly relevant to the job may result in an offer of employment being withdrawn.

7 Staff Training, Promotions and Conditions of Service

Staff training needs will be identified through informal and formal staff appraisals.

All Staff will be given appropriate access to training to enable them to progress within the School/Trust and all promotion decisions will be on the basis of merit.

The composition and movement of Staff at different levels will be reviewed from time to time to ensure equality of opportunity at all levels within the School.

Where appropriate, the Trust will take steps to identify and remove unnecessary or unjustifiable barriers and provide appropriate facilities and conditions of service to meet the special needs of disadvantaged or under-represented groups.

The Trust’s conditions of service, benefits and facilities will be reviewed from time to time to ensure that they are available to all Staff who should have access to them and that there are no unlawful obstacles to accessing them.

8. Termination of Employment

The Trust will ensure that redundancy criteria and procedures are fair and objective and are not directly or indirectly discriminatory.

The Trust will also ensure that absence, capability and disciplinary procedures and penalties are applied without discrimination, and are carried out fairly and uniformly for all Staff, whether they result in formal warnings, dismissal or other action.

9. Disability Discrimination

If a member of Staff is disabled, or becomes disabled, in the course of their employment with the Trust, they are encouraged to tell us about their condition. This is to enable the Trust to support the member of Staff appropriately.

If a member of Staff experiences difficulties at work because of their disability, they may wish to contact their Line Manager/Head of Department to discuss any reasonable adjustments to their working conditions or duties which they consider to be reasonable and necessary or which would assist in the performance of their duties.

The Line Manager/Head of Department may wish to consult with the member of Staff and their medical adviser(s) about possible adjustments. Careful consideration will be given to any such proposals and they will be accommodated where reasonable, practicable and proportionate in all the circumstances of the case.

Nevertheless, there may be circumstances where it would not be reasonable for the Trust to accommodate a particular adjustment and in such circumstances it will ensure that it provides the member of Staff with its reasons and will try to find an alternative solution where possible.

The School will monitor the physical features of its premises to consider whether they place disabled Staff, job applicants or service users at a substantial disadvantage compared to other Staff. Where reasonably practicable and proportionate the School will take steps to improve access for disabled Staff and service users.

10. Fixed-Term Employees and Agency/Temporary Workers

The Trust will monitor its use of fixed-term employees and agency workers, and their conditions of service to ensure they are being offered appropriate access to benefits, training, promotion and permanent employment opportunities. The Trust will also, where relevant, monitor their progress to ensure that they are accessing permanent vacancies.

11. Part-Time Workers

The Trust will monitor the conditions of service of part-time employees and their progression to ensure that they are being offered appropriate access to benefits and training and promotion opportunities. The Trust will also ensure that requests to alter working hours are dealt with appropriately under its Flexible Working Policy.

12. Complaints of Discrimination, Victimisation and Harassment on the Protected Characteristics

The Trust will treat all complaints of discrimination, harassment or victimisation related or connected to any of the protected characteristics made by its staff, students or third parties seriously and will take action where appropriate.

Any member of Staff who considers that they may have been unlawfully discriminated against, victimised or harassed within the meaning of this policy should discuss the matter in the first instance with their Line Manager/Head of Department or, if they do not consider this to be appropriate, with the Principal. In some cases, it may be possible to resolve the matter informally and reach a satisfactory resolution.

If a member of Staff wishes to make a formal complaint they should raise the matter through the School's Grievance Policy and Procedure.

Allegations regarding potential breaches of this policy will be treated in confidence and will be investigated in accordance with the relevant procedure and the member of Staff will be given the opportunity to respond to the allegation and provide an explanation for their actions.

Staff who make such allegations in good faith will not be victimised or treated less favourably as a result. If the School concludes that the allegations are false or have been made maliciously or in bad faith, it will deal with the matter in accordance with its disciplinary procedure. Any member of Staff who is found to have committed an act of discrimination or harassment will be subject to disciplinary action. Such behaviour may constitute gross misconduct and, as such, may result in summary dismissal. The School takes a strict approach to serious breaches of this policy.

13. Roles and responsibilities

13.1 Board of Trustees

The Board of Trustees will:

- Ensure that the equality information as set out in this policy is published and communicated throughout the Trust, including to local governors, staff, pupils and parents, and that they are reviewed and updated at least once every 4 years.
- Delegate responsibility for monitoring the achievement of the objectives on a daily basis to the Principal and local governing body of each school.

If you delegate oversight of equality to a link equality trustee, local governing bodies as a whole-body responsibility, or with a link local governor for equalities, insert and amend as applicable, the following:

13.2 The Local Governing Bodies

The Local Governing Bodies will, for their schools:

- Ensure they are familiar with all relevant legislation and the contents of this document
- Attend appropriate equality and diversity training
- Report back to the full board of trustees regarding any issues

13.3 The Principal

The Principal will, for their school:

- Promote knowledge and understanding of the equality objectives amongst staff and pupils
- Monitor success in achieving the objectives and report back to governors

13.4 All Staff across The Trust

All staff across the trust are expected to have regard to this document, to work to achieve the objectives and attend mandatory training on equality.

14 Advancing Equality of Opportunity

As set out in the DfE guidance on the Equality Act, the trust aims to advance equality of opportunity by:

- Removing or minimising disadvantages suffered by people which are connected by a particular characteristic they have (e.g. pupils with disabilities, or gay pupils who are being subjected to homophobic bullying)
- Taking steps to meet the particular needs of people who have a particular characteristic (e.g. enabling Muslim pupils to pray at prescribed times)
- Encouraging people who have a particular characteristic to participate fully in any activities (e.g. encouraging all pupils to be involved in the full range of school societies)

15. Publishing Information about Pupils

In fulfilling this aspect of the duty the Trust will, for every school:

- Publish attainment data for each school each academic year showing how pupils with different characteristics are performing

- Analyse the above data to determine strengths and areas for improvement, implement actions in response and publish this information
- Make evidence available identifying improvements for specific groups (e.g. declines in incidents of homophobic or transphobic bullying)
- Publish further data about any issues associated with particular protected characteristics, identifying any issues which could affect our pupils
- Relevant information about each school will be published on their individual websites.

16. Publishing Information about Staff

In addition to the information about pupils, we will consider how our activities as an employer affect staff with protected characteristics. As a Trust, we will publish information to show:

- The make-up of our workforce, with breakdowns of staff with different protected characteristics
- Gender pay-gap reporting and other pay equality issues
- Recruitment and retention rates for staff with different protected characteristics
- Applications for flexible working and their outcomes for staff with different protected characteristics
- Applications for learning and development opportunities and their outcomes for staff with different protected characteristics
- Grievances and disciplinary issues for staff with different protected characteristics
- Policies and programmes in place to address equality concerns from staff
- Information from staff surveys.

We will make sure that with any data we publish to show how we meet our equality duties, individual staff or pupils will not be identifiable. This means we may suppress some data if it relates to a very small number of staff or pupils to preserve their confidentiality.

17. Fostering Good Relations

The Trust aims to foster good relations between those who share a protected characteristic and those who do not share it by:

- Promoting tolerance, friendship and understanding of a range of religions and cultures through different aspects of the curriculum. This includes teaching in RE, citizenship and personal, social, health and economic (PSHE) education, but also activities in other curriculum areas. For example, as part of teaching and learning in English/reading, pupils will be introduced to literature from a range of cultures
- Holding assemblies dealing with relevant issues. Pupils will be encouraged to take a lead in such assemblies and we will also invite external speakers to contribute
- Making sure pupils work with their local community. This includes each school inviting leaders of local faith groups to speak at assemblies, and organising school trips and activities based around the local community
- Encouraging and implementing initiatives to deal with tensions between different groups of pupils within each school. For example, school councils have representatives from different year groups and are formed of pupils from a range of backgrounds. All pupils are encouraged to participate in their schools' activities, such as sports clubs. Schools also work with parents to promote knowledge and understanding of different cultures
- Schools develop links with people and groups who have specialist knowledge about particular characteristics, which helps inform and develop how they implement their approach.

18. Equality Considerations in Decision-Making

The Trust ensures it has due regard to equality considerations whenever significant decisions are made.

In all of our schools, we will always consider the impact of significant decisions on particular groups. For example, when a school trip or activity is being planned, the school considers whether the trip:

- Cuts across any religious holidays
- Is accessible to pupils with disabilities
- Has equivalent facilities for all pupils irrespective of their gender.

The school will keep a record to show we have actively considered our equality duties and asked ourselves relevant questions. This is recorded at the same time as the risk assessment when planning school trips and activities. The record is completed by the member of staff organising the activity and is stored electronically with the completed risk assessment.

19. Monitoring Arrangements

The Chief Financial Officer will update the equality information we publish, at least every year with Principals at Operations Leadership Meetings.

This document will be reviewed by the Trust Board when updated or at least every 2 years. School-specific equality objectives will be reviewed by Principal with the CFO every 2 years. This document will be approved by Board of Trustees.